

Howard R. Canter, Acting Director  
U.S. Department of Energy  
Office of Fissile Materials  
P.O. Box 23786  
Washington, D.C. 20026-3786

September 16, 1998

Re: SUPPLEMENT TO COMMENTS SUBMITTED DURING PUBLIC COMMENT PERIOD.  
SURPLUS PLUTONIUM DRAFT ENVIRONMENTAL IMPACT STATEMENT. SPD EIS

Dear Director Canter:

Please include the following correspondence, submitted by facsimile transmission, as part of the official record of proceedings in the above referenced public comment period. The information discussed herein was not available to me as of 9/15/98, and therefore, could not be included in comments of 9/15/98.

United States Enrichment Corporation was created under congressional mandate of Energy Policy Act of 1992. In February of 1994 DOE published notice to the public in the Federal Register, USING A FINDING OF NO SIGNIFICANT IMPACT (FONSI), that The Nuclear Regulatory Commission (NRC) would assume watch dog status of both the Portsmouth Gaseous Diffusion Plant and the Paducah Gaseous Diffusion Plant due to transfer from public ownership (under DOE) to private/commercial operations (under NRC). I submitted comments objecting to agency intent which included objection to the agency's use of a FONSI: finding of fact of no significant impact! The rationale, I was later informed, was that environmental, health and safety impacts, and risks to the general public would be the same conditions as previously existed under DOE oversight and management.

As stated in correspondence of 9/15/98 to the agency, DOE is prolific in production of documents, holding public information meetings, and making documents, upon request, available to interested members of the public. DOE maintains an information center in close proximity to the Portsmouth Gaseous Diffusion Plant. NRC has no such public involvement and public information process. NRC, in fact, refused to accept comments from me, personally, which pertained to the Portsmouth Gaseous Diffusion Plant BECAUSE I HAD NO STATUS, ACCORDING TO NRC DETERMINATION. AS A DIRECTLY AFFECTED PARTY!! It is noteworthy herein that NRC has since "modified" its public comment periods on nuclear power plants TO ALLOW COMMENTS FROM ONLY DIRECTLY AFFECTED PARTIES which NRC interprets to be groups and/or individuals who live in proximity of the individual nuclear power plants and who can demonstrate their status as directly affected parties in NRC proceedings. Contrary to Administrative Procedure Act (which states, among other things, that any citizen, taxpayer, and/or interested party MAY SUBMIT COMMENT AND PARTICIPATE in proceedings,) to the best of my knowledge, NRC has continued to preclude parties from proceedings if NRC determines these parties to lack status as defined by NRC.

NRC APPARENTLY ALSO DETERMINES WHAT IS AND, OF EQUAL IMPORTANCE, WHAT IS NOT DISCUSSED/REVEALED TO THE PUBLIC AT SEMI-ANNUAL PUBLIC INFORMATION SESSIONS HELD TO DISCUSS TROUBLED NUCLEAR PLANTS!!! NRC failed to include

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MD280

## MD280-1

## General SPD EIS and NEPA Process

DOE acknowledges the commentor's remarks concerning policies of NRC. However, DOE has no authority in matters pertaining to policies and practices of NRC.

DOE acknowledges the commentor's remarks concerning operations at Portsmouth and Paducah. As described in Section 1.5, DOE may elect to use depleted uranium hexafluoride stored at these gaseous diffusion plants to produce the uranium dioxide that would serve as feed material during fabrication of MOX fuel and for the ceramic immobilization process. Approximately 0.04 percent (145 t [160 tons]) of DOE's current inventory of depleted uranium hexafluoride would be used annually for this purpose. Environmental analyses supporting this SPD EIS used Portsmouth as a representative source for depleted uranium hexafluoride. As discussed in Chapter 4 of Volume I, no major environmental effects would result from the use of depleted uranium hexafluoride in the production of uranium dioxide.

USEC was created by Congressional mandate under Title IX of the Energy Policy Act of 1992. As described in Section 1202, USEC was created for several purposes, one of which is to maximize the long-term value of USEC to the Treasury of the United States. There is no conspiracy involving DOE to misuse public funds in the matter of USEC or any other matter.

DOE acknowledges the commentor's remarks concerning the requirement for environmental impact statements at Portsmouth and Paducah. As discussed in Section 1.8.1, environmental conditions at Portsmouth and Paducah are described in the *Final Programmatic Environmental Impact Statement for Alternative Strategies for the Long-Term Management and Use of Depleted Uranium Hexafluoride* (DOE/EIS-0269 April 1999).

CAHALL, DIANA I.  
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discussion of safety concerns at both the Portsmouth and Paducah Plants "to avoid embarrassment on the day after the plants were sold to the public."  
ATTACHMENT I.

To clarify: both plants were public property (government ownership) until they were transferred to USEC beginning in 1994 (privatization), and then, in 1998 USEC offered stock in both the plants for sale to private investors in public offering!! The "transfer" of government/public property to USEC was estimated to be \$1.4 BILLION DOLLARS in property and technology. It is most interesting that NRC FAILED TO INCLUDE WHAT THE COMMISSION KNEW TO BE "PROBLEMS" at the Ports and Paducah Plants in semi-annual "information" session held by NRC the day after public stock offering. It is also most interesting that private investors bought what the American taxpayers already owned and had paid for resulting from the "privatization" process!! The term 'complicity' as referenced in comments of 9/15/98 certainly seems to apply to this wheeling and dealing with public funds by DOE/USEC/NRC.

In further 'complicity,' DOE failed to require an Environmental Impact Statement which fully addressed environmental problems PRIOR TO TRANSFER TO USEC at the Portsmouth and Paducah Gaseous Diffusion Plants during the "privatization process." Likewise, NRC has failed to reveal/disclose known problems to both the public, and the private investors who purchased stock in the plants only one day prior to NRC's semi-annual "information" session! See ATTACHMENT II, paragraph 7. Note that safety concerns not disclosed by NRC included potential risks/damage from earthquake at one plant and potential risk of 'unintended' nuclear chain reaction from storage of too much uranium in one place!

An interested party, citizen, and/or taxpayer might well ask what agency, if any, is protecting the public health, safety, and property in the process being practiced at these uranium plants?!! From personal experience, kill-the-messenger is descriptive of the response to my questions regarding the operational safety, environmental legacy, risks to the public and workers, and 'wisdom' of 1.4 Billion dollar taxpayer gifts to private interests from multiple agencies! The goals of 'SHOOT-AT-THE-CORPSE'-  
1) silencing others on the scene from revealing the real perpetrators- and 2) making guilt dispensable- appear to be pertinent issues for comment.

In conclusion, I would respectfully remind the agency that DOE is mandated by various federal laws, other than Energy Policy Act of 1992, which require the agency to represent the best long term interests of the public and the nation.

Respectfully submitted,

*Diana I. Cahall*  
Diana I. Cahall (Note: formerly known as Diana Salisbury)  
7019 Ashridge Arnhelm Road  
Sardinia, Ohio 45171 (937) 446-2763

Attachment

(via telecopier transmission to 1-800-820-5156,  
on 9/16/98, and by, The U.S. Postal Service, regular  
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THE CINCINNATI ENQUIRER

9/16/98 PM 4:17  
**Secrecy  
by NRC  
on plants  
faulted**

BY MATTHEW L. WALD  
The New York Times

WASHINGTON — The Nuclear Regulatory Commission (NRC) has kept quiet about its safety concerns over two uranium fuel processing plants in order to avoid embarrassment on the day after the plants were sold to the public, a nuclear watchdog group said Tuesday.

Documents obtained by the group, the Union of Concerned Scientists (UCS), show that the NRC, which oversees civilian nuclear operations and some Energy Department plants, had many safety concerns, including how well one plant would withstand an earthquake and whether operators took adequate precautions to prevent the storage of too much uranium in one place, which could cause an unintended nuclear chain reaction — essentially a small explosion.

The plants, in Portsmouth, Ohio, and Paducah, Ky., which were built by the federal government to process uranium for weapons, naval propulsion reactors and civilian power plants, were sold in an initial public offering this summer, when the Energy Department spun them off as the U.S. Enrichment Corp.

The management team that ran the two plants before the spinoff now runs the corporation.

The NRC held one of its twice-a-year public sessions to discuss troubled nuclear plants the day after the sale was completed but did not discuss the two plants.

"Investors are supposed to make their own decisions, what risk they're comfortable with," said David Lochbaum, a nuclear engineer with the UCS. "But they can only do that when they have a clear idea of the risks."

NRC spokesman William Beecher said the commissioners were familiar with the plants' problems from previous reports.

Attachment I

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**CAHALL, DIANA I.**  
**PAGE 1 OF 4**

Howard R. Canter, Acting Director  
 U.S. Department of Energy  
 Office of Fissile Materials  
 P.O. Box 23786  
 Washington, D.C. 20026-3786

September 15, 1998

Re: PUBLIC COMMENT, SURPLUS PLUTONIUM ENVIRONMENTAL IMPACT STATEMENT  
 (SPD EIS)

Dear Director Canter:

Please include this correspondence as part of the agency's official record of proceedings in the above referenced matter.

Due to considerable demands upon both my time and energy from other matters, I am submitting what I consider to be comments that address the crucial issues in the agency's SPD EIS generally rather than specifically.

The agency obviously must take responsibility for doing something, i.e., inaction is not a reasonable alternative in the "solution" to plutonium disposition. DOE has produced prolific information for public comment on the agency's proposed actions. This comment is NOT intended as criticism of the agency's SPD EIS. Rather, DOE is providing information necessary for "informed" public participation and, for that, deserves to be commended.

SPD Draft EIS makes numerous references to technology in the development or yet-to-be-developed/available stages. The public cannot make comment on the wisdom or appropriateness of technology not known to the public. Although, DOE appears to have knowledge of technology that is so-to-speak coming down the road. Likewise, DOE makes multiple references in Draft SPD EIS to commercial facilities, especially commercial facilities for Hazardous Waste treatment, storage, and disposal. The agency appears to be strongly leaning toward incinerator/reduction to ash as one such commercial facility/solution.

DOE does, in fact, acknowledge that agency actions in plutonium disposition will result in multiple other actions which will occur directly and indirectly as consequences of DOE decision-making. DOE is, in fact and law, required to fully address these impacts/consequences in draft EIS. Transfer of materials to commercial facilities does not relieve DOE of NEPA mandate and/or agency responsibility to the public, numerous affected and to-be-affected communities, the environment, and the nation's safety and security. DOE has, in fact, co-operated with multiple federal, state, and local agencies, and proposed in draft EIS to continue this considerable "co-operation." Translated into simple terms members of the public can comprehend, DOE has historically SHARED THE PUBLIC'S FUNDS WITH OTHER AGENCIES IN PLANNING, CONSTRUCTING, AND OPERATING FACILITIES (implementing "solutions") such as the ones described in draft EIS.

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MD192

**MD192-1**

**General SPD EIS and NEPA Process**

DOE acknowledges the commentor's support for DOE's public outreach and providing information necessary for informed public participation. In Sections 2.5 and 4.2, the No Action Alternative and its environmental impacts is described as required by 40 CFR 1502.14. This description makes clear to the public and decisionmakers the environmental impacts of taking no action rather than implementing the proposed action.

**MD192-2**

**General SPD EIS and NEPA Process**

The methods DOE proposes to use for surplus plutonium disposition are based on proven and well-understood technologies. Technological work cited in this SPD EIS is work required to adapt those technologies to the disposition of surplus plutonium and the engineering studies required to design the disposition facilities to meet specific program needs. Basic science or proof of principal scientific work is required to implement the surplus plutonium disposition program.

Hazardous waste management is discussed in Hazardous Waste sections in Chapter 4 of Volume I and Section 1.8.2. DOE plans to handle hazardous waste generated as a result of the surplus plutonium disposition program in accordance with the decisions made on the *Final Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (DOE/EIS-0200-F, May 1997). The decision on hazardous waste, excluding wastewater, was to continue to use off-site facilities for treatment at all sites except ORR and SRS, where a combination of off-site and existing on-site facilities may be used.

**MD192-3**

**General SPD EIS and NEPA Process**

The term "cooperating agency" in this EIS has a narrower sense than that used by the commentor. DOE's use of the term is in accordance with the definition stipulated in 40 CFR 1501.5: another Federal agency that has jurisdiction by law and/or has special expertise with respect to any environmental issue.

Co-operating local, state, and federal agencies are too numerous to mention in brief comments. However, implementation requires considerable funding to and distributed by Departments of Transportation (local, state, and federal) for highway infrastructure projects. HUD requires funding (for distribution) to build housing required during facility construction phase, etc. Furthermore, numerous state and local agencies have "re-aligned" and "re-organized" in the process of implementing "solutions". Recycling and waste reduction funding appears to be most abundant for distribution in Ohio. The Brown County (Ohio) Board of Commissioners are the grantees of a recycling grant received by the Highland County (Ohio) Board of Commissioners (making the Highland County Board grantees of funds and grantors to the Brown County Board of Commissioners)!!! Obviously, the Brown County Board of Commissioners as grantees will not directly implement the recycling grant: it is to be passed through (granted again) to Adams/Brown Recycling, Inc. a not-for-profit! I have noted to the Brown County Board of Commissioners that Ohio Revised Code, Section 1702 prohibits the Board from acting as a conduit for state or federal funds in Civil Case No. 970242, Brown County Court of Common Pleas, and again, in Administrative Petition of 8/14/98. As of the date of this correspondence, I have received no response from the Board of Commissioners to 8/14/98 Administrative Petition.

DOE may, but should not, consider previous paragraph as distraction/off-the-point in DOE decision-making issue(s). Briefly stated, the multitude of agencies, governmental units, not-for-profits, quasi-governmental agencies, and private/public partnerships ARE ALL COOPERATING AGENCIES AND STAKEHOLDERS IN FUNDING DISTRIBUTION(S)! LIKEWISE, THEY ARE CO-OPERATORS IN DECISION-MAKING AND IMPLEMENTING. The public has, figuratively speaking, considerable difficulty in getting a foot-in-the-door in the decision-making process with so many insiders already huddled inside and poised to spring into various related action(s)!

In conclusion, I am quoting from Georgie Anne Geyer's editorial comment in today's CINCINNATI ENQUIRER:

Where I came from, on the South Side of Chicago, complicity meant more than simply involving others-or being involved oneself -in an act, innocent, criminal, or in-between. It denoted the old Mafia idea of having everybody 'shoot at the corpse' so 1) nobody would talk about the real perpetrator of a crime and 2) guilt was dispensable. ATTACHMENT 1, "The Quintessential Con Man"

The subject of Ms. Geyer's editorial is the American president, however, the substance of her observations are focused upon the shaping of public policy, and the considerable art of politics involved in making so many guilty of 'complicity' in following-the-leader. DOE is, in fact and practice, participating in 'shoot-at-the-corpse' decision-making with considerable federal (taxpayer) dollars involved in the process! The public deserves public hearings and decision-making process with considerably more access and much less complicity.

CAHALL, DIANA I.  
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Thank you for opportunity to comment on draft SPD EIS and for agency policy which allows for distribution of information allowing (somewhat) informed comment.

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Respectfully submitted,

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Attachment

(VIA: THE U.S. POSTAL SERVICE, REGULAR MAIL, POSTAGE PREPAID ON  
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MD192

Attachment I



THE CINCINNATI ENQUIRER

## EDITORIAL PAGE

FOUNDED 1841 • A GANNETT NEWSPAPER

Editor: Peter Bronson  
Phone: 768-8359 Fax: 768-8610

A6 TUESDAY, SEPTEMBER 15, 1998

**GEORGIE ANNE GEYER:** Clinton makes us complicit in his lies

### The quintessential con man

WASHINGTON — Not only are the problems of Bill Clinton's decadent presidency still out there, but so too are the questions: Why does he do these things? Where will his wanton habits lead this country? And, above all, why do so many Americans remain so tentative about making judgments about his admitted actions?

Of the billions of words that have been written (none of them, I contest, very gratifying), I note that one key word has not been used. The word is "complicity."

✱ Where I come from, on the South Side of Chicago, complicity meant more than simply involving others — or being involved oneself — in an act, innocent, criminal or in-between. It denoted the old Mafia idea of having everybody "shoot at the corpse" so 1) nobody could talk about the real perpetrator of a crime and 2) guilt was dispensable. ✱

The case of this American president is reminiscent of dictators or autocratic leaders who are essentially demagogues, "charismatic" authorities and (perhaps above all) con men. They tie their malleable followers to them by making the followers dependent upon them and by giving them the impression that they are inextricably involved in the decisions, so much so that, even when the leaders fail, the followers can-



not easily divest themselves of responsibility.

Above all, their tie to the people is emotional, not rational and not intellectual, and that truth lies at the heart of the complicitious bond. With emotions it is far more difficult to cut ties. You cannot just say, "I disagree and therefore I leave." You are tied forever, or you break away at the cost of substantial moral and physical trauma. You, after all, are the one who chose (or so you think) to believe for so long.

Bill Clinton's ability to make the people around him complicitous in his actions and fate is, of course, infinitely inferior to the real historical complicity-mongers such as Fidel Castro or Joseph Stalin. Castro tied people to him so tightly that many of those who did break with him spent years trying painfully to reconstruct themselves, while Stalin's emotional and ideological tyranny was of such power that his closest followers got up in Russian courts in the 1930s and, though innocent, con-

demned themselves to death. They could not admit, as some communists said even this past decade, that their lives had been lived in the service of a false idol.

Admittedly, Bill Clinton is a poor man's charismatic leader, compared to those masters of the craft. Yet he has many of the same characteristics: the same dependence upon rhetoric over reality and the same quintessential con man's ability to make people want to believe, to cite two.

How else can one explain the degree to which so many Americans still need to believe in him so much that they refuse to condemn him? How can anyone really understand the troubling reality that virtually none of his White House "team" have resigned in protest over his actions?

They have all become his amoral accomplices.

How, too, can one explain Hillary? If she didn't know about Monica, she is too dumb and unperceptive to be first lady. Of course she did. But she made a Faustian pact with the devil many years ago that Bill Clinton would give her the political charisma to fuel her own abundant ambitions.

She made herself complicitous, and now there is no exit.

What is troubling is that, as the great German sociologist Max Weber wrote in the last

century, the charismatic con men come to power (Weimar Germany, czarist Russia, pre-Castro Cuba) when a people is weak and disheartened. What does that say about so many Americans' amoral need to believe in this obviously flawed man today? In their willingness to cede their judgment to him?

What is troubling, too, is that so many Americans have accepted the Clintons' cynically distorted interpretation of life. They really believe there is no difference between one man's love affair and a leader's sexual predatoriness.

On the other hand, it is relatively easy to defeat these leaders if people have enough will to overcome their feelings of guilt and of self-imposed complicity. All they need to do is withdraw. That is the death knell for the charismatic leader, who in the end is also totally dependent upon them.

That hasn't happened yet, but as more of his disgraceful conduct is revealed, it very well may. Until then, those Americans who need so badly to believe in Bill Clinton are shooting at the corpse.

Georgie Anne Geyer is a Washington-based, syndicated columnist. Readers may write to her c/o Universal Press Syndicate, 4900 Main St., Kansas City, Mo. 64112.

MD192

STAND OF AMARILLO, INC.  
 HARRIET MARTIN  
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August 13, 1992

US Department of Energy  
 Office of Fissile Materials Disposition  
 PO Box 23786  
 Washington DC 20026-3786

Re: Pantex hearings on  
 plutonium processing - August 11, 1992  
 Amarillo, Texas -

To US dept of Energy:

As a former resident of Amarillo, TX, and  
 a current member of STAND, I am writing  
 to express my opinion that processing  
 plutonium on an industrial scale, or for that  
 matter, on any scale whatsoever, is contrary to  
 common sense and irresponsible to the local  
 residents and to the population of the USA.  
 The Texas Panhandle is a prime agricultural  
 area which deserves the best environmental  
 protection this country can provide, and  
 should not be endangered by the plutonium  
 disposition problem. The air, soil, and especially  
 ground water, if contaminated by waste  
 plutonium would be permanently lost to  
 this country and the world. We can't risk  
 that.

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MD021

## MD021-1

## Alternatives

DOE acknowledges the commentor's opposition to siting the proposed surplus plutonium disposition facilities at Pantex. The analyses presented in Section 4.26.3.2.2 indicate that the normal operation of these facilities would likely have minor impacts on human health, agriculture, and livestock: Sections 4.17.1.4 and 4.17.2.4 address the potential radiological and hazardous chemical effects of the maximum-impact alternative on workers and the public at Pantex; Appendix J.3, the potential contamination of agricultural products and livestock, and consumption of these products by persons living within an 80-km (50-mi) radius of Pantex. Decisions on the surplus plutonium disposition program at Pantex will be based on environmental analyses, technical and cost reports, national policy and nonproliferation considerations, and public input.



STAND OF AMARILLO, INC.

HARRIET MARTIN

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I am opposed to any industrial or profit motivated uses of plutonium. I believe fissile materials technology has a failing grade - a grade of 50% - that is, we know how to make it, but we don't know how to use make it. Until this technology is developed, plutonium production should be discontinued, I believe, and existing plutonium should be kept stable, guarded well - on site - and not moved around. The perfection of MOX would have to be demonstrated repeatedly, as the FDA drug trials - or much better than that, before industrial scale plans are made. MOX appears to be mostly on the drawing board to me. As a concerned citizen, I urge you at the Dept of Energy to take conservationist approaches to even issue involving fissile materials, and I see your responsibility as guarding the country against exposure to them - until the ability to convert these products to stable elements is divided -

Sincerely

Harriet Martin  
member of STAND

POB 1219, Athens OH 45704

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#### MD021-2

#### DOE Policy

DOE acknowledges the commentor's opposition to the industrial use of plutonium, the production of plutonium in general, and MOX fuel fabrication. The United States no longer produces plutonium and DOE is not proposing any option to make a profit. The goal of the surplus plutonium disposition program is to reduce the threat of nuclear weapons proliferation worldwide by conducting disposition of surplus plutonium in the United States in an environmentally safe and timely manner. Converting the surplus plutonium into MOX fuel and using it in domestic, commercial reactors is an effective way to accomplish this.

DOE analyzed numerous alternative disposition technologies in the *Storage and Disposition PEIS*. Immobilization and MOX fuel fabrication were chosen by DOE as the best options to further analyze in this SPD EIS. MOX fuel fabrication is not a new technology. The fabrication of MOX fuel and its use in commercial reactors have been accomplished in Western Europe. This experience would be used for disposition of the U.S. surplus plutonium.

MD021

